

1 Jason G. Landess, Esq.
Nevada Bar No. 0288
2 7054 Big Springs Court
Las Vegas, Nevada 89113
3 Telephone: (702) 232-3918
Fax: (702) 248-4122
4 Email: jland702@cox.net
Attorney for Plaintiff Minnie Moore Resources, Inc.
5
6
7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 MINNIE MOORE RESOURCES, INC., a CASE NO.: 2:18-cv-00086-APG-VCF
Nevada corporation,

11 Plaintiff,

12 INTERVAL EQUIPMENT SOLUTIONS,
13 INC., a California corporation,

**STIPULATION AND ORDER TO
EXTEND TIME FOR FILING
DISCOVERY PLAN/ SCHEDULING
ORDER**

First Request

14 Defendants.
15 _____/

16 **STIPULATION FOR EXTENSION OF TIME TO FILE DISCOVERY PLAN/SCHEDULING**
17 **ORDER**

18 (First Request)

19 The parties respectfully submit the following Stipulation to requesting that the Court,
20 pursuant to FRCP Rule 16 (b)(2) and based upon good cause, grant the parties extra time to
21 file a Discovery Plan/Scheduling Order.

22 **Procedural History**

23 Plaintiff filed its Complaint on January 16, 2018 and served it upon Defendant on
24 January 22, 2018. Thereafter, the parties participated in an out-of-state inspection of the
25 mining equipment that is central to this dispute. This Court granted three extensions of time for
26 Defendant to respond to the Complaint to accommodate that inspection and the preparation of
27 reports arising therefrom.
28

1 On May 7, 2017, the parties appeared before this Court. The Court directed that
2 Defendant Plaintiff file its Amended Complaint by 5/21/2018, and that Defendant file its
3 response within 14 days of the filing of the Amended Complaint.

4 After Plaintiff filed its Amended Complaint, Defendant on 06/04/2018 filed a Motion to
5 Dismiss based on lack of jurisdiction. That Motion has been fully briefed and is now before the
6 Court for decision. On that same day, the Court directed that the Discovery Plan/Scheduling
7 Order was due on 07/19/2018.

8
9 **Reason for the Request**

10 LR-26-1(a) states that the “conference required by Fed. R. Civ. P. 26(f) [shall] be held
11 within 30 days after the first defendant answers or otherwise appears.” So far, Defendant has
12 not appeared. It has only filed its Motion to Dismiss, which is still pending before the Court.
13 Should the Court grant that Motion, the case will necessarily be dismissed, obviating the need
14 for discovery.

15 Should the Court deny the Motion, there is a substantial likelihood that the matter will
16 then forthwith be submitted to binding arbitration, which the parties have been discussing for
17 months. That too will obviate the need for a detailed Discovery Plan/Scheduling Order with
18 this Court.

19 The parties thus respectfully request that the due date of July 19, 2018 for the
20 Discovery Plan/Scheduling Order be vacated and extended for a time period sufficient for this
21 Court to render a decision on Defendant’s Motion to Dismiss.

22 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties,
23 through their respective counsel, that the parties shall submit their Discovery Plan/
24 Scheduling Order by a date acceptable to the Court, which date shall be November 19, 2018.

25
26 ///

27 ///

28 ///

1 DATED: July 18, 2018

2 By: /s/Jason G. Landess
3 JASON G. LANDESSD, ESQ.
4 Nevada Bar No. 0288
5 7054 Big Springs Court
6 Las Vegas, Nevada 89113
7 Email: jland702@cox.net
8 Attorney for Plaintiff Minnie Moore Services, Inc.

9 DATED: July 18, 2018

10 McCORMICK, BARSTOW, SHEPPARD,
11 WAYTE & CARRUTH LLP

12 By: /s/ Dylan P. Todd
13 DYLAN P. TODD, ESQ.
14 Nevada Bar No. 10456
15 8337 West Sunset Road, Suite 350
16 Las Vegas, Nevada 89113
17 Tel. (702) 949-1100
18 Attorney for Interval Equipment Solutions, Inc.

19 IT IS SO ORDERED:

20 By: 
21 UNITED STATES MAGISTRATE JUDGE

22 DATED: July 19, 2018